

AMENDMENTS TO ARTICLE 5

- Section 5-601 Rural Retreats and Resorts
- Section 5-613 Accessory Apartments and Dwelling Units
- Section 5-614 Small Business
- Section 5-618 (B) Monopoles
- Section 5-618 (C) Telecommunication Towers
- Section 5-619 Rural Agricultural Corporate Retreats
- Section 5-620 Manufactured Housing
- Section 5-631 Animal Hospital
- Section 5-648 Golf Course
- Section 5-650 Antique Shop; Art Gallery or Studio; Craft Shop
- Section 5-653 Landscaping and Screening Standards for Specific Uses
- Section 5-654 Road Access Standards for Specific Uses
- Section 5-657 Stockpiling of Dirt
- Section 5-700 Transition (TR) Districts Lot Standards
- Section 5-703 Agricultural Rural (AR) District Cluster Regulations
- Section 5-1200 Signs
- Section 5-1300 Tree Planting and Replacement
- Section 5-1400 Buffering and Screening
- Section 5-1504 Light and Glare Standards

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- (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material, as provided in the Facilities Standards Manual.
 - (g) **Exterior Lighting.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
 - (h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).
 - (5) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.
- (D) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.
- (1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section 5-601(D)(8)(a), except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
 - (2) **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural retreats shall be appropriately sited so as not to infringe on the character of any existing village or the natural topography of the area. At a minimum, rural retreats shall be located at least one (1) mile from the boundaries of an existing village conservation overlay district or an existing PD-CV or PD-RV zoned parcel.
 - (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
 - (4) **Access.** All rural retreats and resorts shall comply with the road access standards in Section 5-654.
 - (5) **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system.

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Communal water and sewer systems may be located within the open space.

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- (6) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
- (7) **May be Open to Public.** These establishments may be open to the general public for patronage.
- (8) **Additional Standards for AR and TR Districts.** In the AR and TR districts, rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.
- (a) **Intensity/Character.** The minimum lot area shall be as follows.

Use	Size of Lot (Minimum)	Nos. of Guest Rooms
Level I - Rural Retreat small scale	40 acres	Up to 20 rooms
Level II - Rural Retreat medium scale	60 acres	21-40 rooms
Level III - Rural Retreat large scale	80 acres	41-60 rooms
Level I - Rural Resort small scale	100 acres	61-80 rooms
Level II - Rural Resort medium scale	120 acres	81-100 rooms
Level III - Rural resort large scale	150 acres	101-120 rooms
More than 120 rooms requires special exception approval pursuant to Section 6-1300		

- (b) **Size of Use.**
- (i) The restaurant and banquet facilities on premises shall not exceed 20 percent of the total floor area of the rural retreat or resort. The conference and training facilities shall not constitute over 30

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percent of the total floor area of the rural retreat or resort.

- (ii) Outdoor storage related to the rural retreat or resort facilities shall be permitted.
- (iii) The floor area ratio shall not exceed 0.02.

(c) **Yard Standards.** The minimum required yards shall be as follows:

- (i) Level I-Rural Retreat: 125 feet minimum from all lot lines.
- (ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.
- (iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.
- (iv) Level I-Rural Resort: 300 feet minimum from all lot lines.
- (v) Level II-Rural Resort: 350 feet minimum from all lot lines.
- (vi) Level III-Rural Resort: 375 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

- (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
- (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

- (i) The rural retreat or resort shall comply with the road access standards in Section 5-654.
- (ii) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

- (i) **General.** Parking and loading shall be provided as required by Section 5-1102.

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- (ii) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (g) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (h) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

5-602 Tenant Dwellings. Tenant dwellings may be located in the AR, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

(A) **Tenant Dwellings.** One (1) tenant dwellings shall be permitted by right subject to the following criteria:

- (1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.
- (2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
- (3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.

(B) **General Standards.** Tenant dwellings shall meet the following additional criteria:

- (1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.
- (2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.
- (3) **Separate Dwelling.** For the purposes of 5-602(A)(1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
- (4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.

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5-611 Hotel/Motel. The following standards shall apply to the development of hotel/motel:

(A) **Locational Criteria.**

- (1) Hotel/Motel shall be located on, or with ready access to, collector or arterial roads.
- (2) Hotel/Motel buildings and uses shall not be located in environmentally critical or sensitive areas as defined by the Comprehensive Plan.

(B) **Site Development Criteria.**

- (1) Hotel/Motel uses shall be served by a public water and sewerage disposal system.
- (2) Hotel/Motel uses shall be separated from agricultural, residential, or institutional uses by a landscape buffer with a minimum width of 100 feet, or the minimum width required by Section 5-1400 of this Ordinance, whichever is greater.

5-612 Guest Houses. Guest houses are subject to the following additional standards:

- (A) Only temporary guests or occupants of the principal residence shall use the guest house.
- (B) Temporary guests may stay no longer than three (3) months within any twelve (12) month period.
- (C) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.
- (D) The floor area of any guest house shall not exceed 1,500 square feet.

5-613 Accessory Apartments and Dwelling Units. Accessory units are subject to the following additional standards:

- (A) No such accessory apartment or dwelling unit shall exceed 1200 square feet in floor area.
- (B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets and Countryside Villages. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.

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- (C) In districts other than A-10, AR-1, AR-2, A-3, RR-1, RR-2 and PD-CV, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot meeting the minimum lot requirements of the zoning district in which it is located.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.

5-614 Small Businesses.

(A) **Purpose and Intent.**

- (1) **General.** The purpose of this section is to allow residents in the AR, RR, A-3, A-10, TR, CR, JLMA and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.
- (2) **Allow Local, Small-Scale Businesses to Locate and Operate at the Owner's Principal Place of Residence.** The intent of this Section is to allow local, small-scale businesses to locate and operate at the owner's principal place of residence. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
- (3) **Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and

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customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.

- (4) **Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.
- (B) **Definitions.** For the purposes of Section 5-614, Small Businesses in the AR, RR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under "Small Business" in Article 8 of this ordinance.
- (C) **Permitted Small Business Uses.**
- (1) **Home Occupation.** Small businesses are permitted in AR, RR, A-3, A-10, TR, CR, JLMA and PD-CV districts, subject to the definition of "Home Occupation" contained in Section 5-400.
- (2) **Other.** In addition, small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).
- (D) **Small Business Uses Permissible by Special Exception.** Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. Uses numbered (1) through (8) below may be approved as "small businesses" in the AR, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts. Uses (1), (2), (5), (6), (7), and (8) below may be approved as "small businesses" in the RR zoning district:
- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.

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- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.
- (8) Except as provided above, no retail or wholesale commercial businesses are permitted.

(E) Small Business Site Development Criteria.

(1) Standards and Restrictions for Small Business Uses.

	Acreage	No. of Employees	Heavy Equip. (On-site)	Business Vehicles (On-site)
(a)	0-3 maximum	1 maximum	none	2
(b)	3 but <10 maximum	3 maximum	none	2
(c)	10 but <50 maximum	4 maximum	2 maximum	4
(d)	50 or greater maximum	10 maximum	5 maximum	6

(2) Regulations for Accessory Buildings.

Acreage	Size of Accessory Buildings
(a) 3-5	2,000 sq. ft. maximum
(b) 5 but <10	2,500 sq. ft. maximum
(c) 10 or greater initial	5,000 sq. ft. maximum for the 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum.

(d) Building Height 35 feet maximum.

- (3) Notwithstanding the limitations placed on home occupations in Section 5-400, 100% of an existing farm structure may be used.

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An approved zoning/building permit shall be received for the change in use.

(4) Regulations for Storage Yards.

Acreage	Size of Storage Yards
(a) 3-5	2,000 sq. ft. maximum
(b) 5 but <10	2,500 sq. ft. maximum
(c) 10 or greater	5,000 sq. ft. maximum for the initial 10 acres, plus an additional 1,000 sq. ft. for each additional 10 acres, not to exceed 15,000 sq. ft. maximum.
(d)	Storage yards shall be screened consistent with the requirements of Section 5-653(C) (Screening of Outdoor Storage and Storage Yards).

(5) Setback requirements.

- (a) All accessory buildings or storage yards of less than 2,000 sq. ft. for uses allowed under this Section shall be set back a minimum of 100 feet from all lot lines.
- (b) All accessory building or storage yards in excess of 2,000 sq. ft. shall be set back at least 300 feet from all lot lines.
- (c) All accessory building or storage yards used for the storage of heavy equipment shall be set back at least 300 feet from all lot lines and 500 feet from existing residential dwellings.

- (6) All businesses which use, or store on site, heavy equipment shall access a paved or all-weather state-maintained road.

(F) Conveyance. Approval of a special exception or zoning permit pursuant to this section does not convey with the sale of the business or the property, except to a member of the immediate family, as defined in Article 8 of this ordinance.

(G) Modifications. Those standards contained in Section 5-614(E) may be modified by the special exception procedures set forth in Section 6-1300

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provided that the Board of Supervisors finds that the applicant's proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.

(H) Sketch and Site Plans.

- (1) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for permitted small businesses. Sketch plans shall include a drawing of all aspects of the business operations including the size and dimensions of the residence; the size and dimensions of areas within the residence to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening and buffering; size and dimensions of parking areas and signs if any; and the approximate location of any on-site major floodplain as determined from the County map. In addition, the sketch plan shall include the required off-site information needed to illustrate conformance with the small business regulations, (Section 5-614), such as distances between storage yards, accessory buildings and adjacent residential structures and other buildings, the location and width of adjacent right-of-way, adjoining properties, and easements. The sketch plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structure to adjacent lot lines must be accurately depicted.

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- (2) **Special Exceptions.** Special exceptions may contain a condition for a site plan, in lieu of a sketch plan as defined herein, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use. The requirements for submission, review and approval of all site plans shall be in accordance with the specifications of the Land Subdivision and Development Ordinance (LSDO). Small business site plans for parcels greater than five (5) acres shall follow the preliminary/final site plan process set forth in Section 1244.05.

- (I) **Signs.** Signs for permitted and special exception small businesses approved under Section 5-614 are subject to the regulations contained in Section 5-1200 of this Ordinance for "Business in AR, RR, A-3, A-10, CR, TR, JLMA and PD-CV Districts."

(J) Applicability of District Regulations to Small Business Uses.

- (1) The AR, RR, A-3, A-10, TR, CR, JLMA and PD-CV district regulations and the general regulations which are consistent with

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The structure shall be of a material or color which matches the exterior of the building or structure.

- (10) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

- (B) **Monopoles.** Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:

- (1) **Monopoles, Permitted By Right.** Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-618(B)(3), in the following situations:

- (a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height.
- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district.
- (c) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, when accessory to a fire or rescue station.

- (2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:

- (a) In the AR, A-10, RR-1, RR-2, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, except as provided in Section 5-618(B)(1)(c), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, PD-TRC and PD-CV zoning districts.
- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts when located 750 feet or closer from an adjoining residential district.
- (c) In all zoning districts, except PD-H, R-districts, PD-AAAR, and PD-RV, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(1)(c).
- (d) In all zoning districts, within the right of way of a private toll road.

- (2) **Telecommunications Towers, Special Exception Required.**
Telecommunications towers shall be permissible by special exception subject to the performance standards listed in Sections 5-618(C)(3) and 5-618(C)(4) in the following situations:

- (a) In the A-25, A-10, RR-1, RR-2, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, RC, CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-TREC and PD-TRC zoning districts.
- (b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts.
- (c) In all zoning districts, except PD-H, R-districts, PD-AAAR, PD-RV and PD-CV, as an accessory use to a fire and rescue station.

- (3) **Telecommunications Towers, General Performance Criteria.**
All telecommunications towers, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

- (a) The telecommunications tower shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.
- (b) New telecommunications towers shall be designed to accommodate at least three (3) providers, unless:
 - (i) Doing so would create an unnecessary visual impact on the surrounding area; or
 - (ii) No additional need is anticipated for any other potential user in the vicinity; or
 - (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

The applicant shall identify the conditions under which future co-location by other service providers is permitted.

- (c) Telecommunications towers, including antennas, shall not exceed 199 feet, as measured at the natural ground elevation, unless the applicant can clearly demonstrate that the facilities of 199 feet or less cannot render needed services. At the applicant's expense, the County may

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- (13) **Average Daily User and Acreage Ratio:** 25 users per 50 acres. Notwithstanding, there shall be no more than 100 users on greater than 200 acres without first securing special exception approval. The term Average Daily Users includes employees, trainees, and business visitors to the site. Service trips, such as food or supply deliveries, package delivery, and similar trips are in addition to the average daily users.
- (14) **Remove Property from Land Use Program.** The portion of the property used as a Rural Agricultural Corporate Retreat shall be removed from the Land Use Program (Special Assessment for Land Preservation) for taxation purposes.
- (15) **Exclusions.** Buildings or structures used exclusively for agricultural use, the principal dwelling unit, and tenant dwellings are excluded from these requirements and from the floor area ratio calculations.

(D) **Sketches, Site Plans, Special Exceptions and Statements of Use.**

- (1) **Sketch Plan.** A sketch plan is required as a part of a zoning permit application for permitted Rural Agricultural Corporate Retreats. Sketches shall include an accurate drawing of all aspects of the Rural Agricultural Corporate Retreat including the size and dimensions of buildings; the size and dimensions of land area devoted to the Rural Agricultural Corporate Retreat use; the size and dimensions of the land to be maintained in agricultural, forestry, open space, and/or historic preservation use; the size and dimensions of parking areas; building setbacks; the size, dimension, and location of any signs; and the approximate location of any on-site major floodplain as determined from the County map. In addition, the sketch plan shall include the required information needed to illustrate conformance with the Rural Agricultural Corporate Retreat regulations of this Section 5-619.
- (2) **Special Exception Review for Those Who Do Not Comply with Standards.** For Rural Agricultural Corporate Retreats that do not meet the development criteria contained in this subsection, special exception review, and approval, is required to determine the appropriateness of the use. Special exceptions may contain a condition for a site plan in lieu of a sketch plan as defined herein when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.
- (3) **Statement of Use.** For all Rural Agricultural Corporate Retreats, a statement of use shall be filed in conjunction with the sketch or site plan. The statement of use shall define the operations of the Rural

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Agricultural Corporate Retreat and shall outline how the use meets the development criteria.

- (E) **Modifications.** Those standards contained in Section 5-619(C) may be modified by the special exception procedures set forth in Section 6-1300 provided that the Board of Supervisors finds that the applicant's proposed modification to the regulations will improve on the existing regulations, or otherwise exceed the public purpose of the existing regulations. The Board may impose appropriate conditions to assure that the public purposes are satisfied.

5-620 Manufactured Housing. The following standards shall apply to the development of manufactured housing:

- (A) Homes shall be a minimum of 900 square feet in floor area, and a minimum of 19 feet in width.
- (B) Roofs shall be pitched with a minimum vertical rise of four inches for each twelve inches of horizontal run.
- (C) Exterior materials shall be of a color, material and scale compatible with site-built, single family construction.
- (D) Homes shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or slate or other products as used in surrounding areas.
- (E) All homes shall have a pitched roof with a minimum of either a 6" overhang and a 4" gutter or 12" overhang on the front and back and a minimum of 6" on the sides.
- (F) Perimeter non-load bearing foundation enclosures shall be compatible with foundation materials on site-built residential structures, and shall be limited to masonry, stone or concrete.
- (G) Homes shall have wheels, axles, transporting lights, and removable towing apparatus removed from the site, and shall be placed on a permanent foundation.
- (H) Storage areas for RV unit shall be provided on a separate lot. If such lot is exterior to the development it shall be effectively buffered from the street and adjacent dwellings. If the storage area is located on an interior lot, the buffering shall not be required.
- (I) Manufactured homes in the AR-1, AR-2, RR-1, RR-2, A-3, A-10, and TR-10 districts shall not be subject to this section.

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- (3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.
- (4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).
- (H) **Parking.**
 - (1) **General.** Parking shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-631 Animal Hospital. Animal hospitals in the AR, RR and JLMA districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.** The minimum lot area for any animal hospital shall be 5 acres.
- (B) **Size of Use.**
 - (1) **Floor Area Ratio.** The maximum floor area ratio shall not exceed 0.04.
 - (2) **Storage Yards.** The total area of storage yards shall not exceed 10 percent of the total area of the principal structure.
 - (3) **Location on Site/Dimensional Standards.** An animal hospital shall have the following minimum required yards:
 - (a) Structures of less than 5,000 square feet of gross floor area: 100 feet minimum from all lot lines.
 - (b) Structures greater than 5,000 square feet and less than 15,000 square feet of gross floor area: 150 feet minimum from all lot lines.
 - (c) Structures greater than 15,000 square feet of gross floor area: 200 feet minimum from all lot lines.

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5-647 Cross-Country Ski Business and Eco-Tourism. Any cross-country ski business and eco-tourism use in the AR, JLMA-20 and TR-10 districts shall comply with the following standards:

- (A) **Intensity/Character of Use.** The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
 - (1) **Size of Use.** The minimum lot area of an eco-tourism use shall be 5 acres.
 - (2) **Structure Size.** The size of structures used shall not exceed 5,000 square feet in gross floor area.
 - (3) **Storage Areas.** The total area of storage areas shall not exceed 1000 square feet.
- (C) **Roads/Access.**
 - (1) **General Access Standards.** The eco-tourism use shall comply with the road access standards in Section 5-654.
 - (2) **Number of Access Points.** There shall be no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (D) **Exterior Lighting.** The only exterior lighting allowed for an eco-tourism use shall be for security purposes only.
- (E) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-648 Golf Course. Any golf course in the AR, RR, TR, JLMA and PD-CV districts shall comply with the following standards.

- (A) **Intensity/Character.**
 - (1) **Site Size.** The minimum lot area for a golf course shall be:
 - (a) 75 acres for 9 holes.
 - (b) 150 acres for 18 holes.

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(F) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards), except that fully shielded lighting fixtures are not required around the outdoor amphitheater itself.(H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

5-650 Antique Shop; Art Gallery or Studio; Craft Shop. Any antique shop, art gallery or studio, or craft shop in the AR, RR, TR-10 and PD-CV districts shall comply with the following standards.

(A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.(B) **Size of Use.**

- (1) **Site Size.** The minimum lot area shall be 1 acre.
- (2) **Structures.**
 - (a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.
 - (b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.
- (3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.

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5-654

1 **5-653 Landscaping and Screening Standards for Specific Uses.** The following
2 ~~exterior lighting and noise standards~~ landscaping, buffering and screening
3 standards shall apply to specific uses in this section when they are expressly
4 referenced in the standards for the specific use.

5 (A) **Landscaping/Buffering/Screening in Setbacks or Yards Adjacent to**
6 **Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area
7 adjacent to any lot three acres or less in size shall be landscaped and
8 screened with solid fencing and/or landscaped area that provides year-round
9 screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-
10 1400). The use of natural topography, vegetation, and trees that provide
11 screening at the density, depth and height of the Type Three (3) Buffer Yard
12 shall be credited towards this Type Three (3) Buffer Yard requirement in
13 accordance with Section 5-1409(E).

14 (1) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the
15 Zoning Administrator may permit the required buffer to
16 circumnavigate the proposed use, rather than to be located on the
17 property line.

18 (B) **Screening of Parking Areas.** Yards, berms, vegetative screening, fences or
19 walls shall be provided to buffer adjacent properties and public streets from
20 off-street parking areas and service areas for loading and unloading.

21 (C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and
22 storage yards shall be screened from view from public roads and adjacent
23 single family detached uses.

24 **5-654 Road Access Standards for Specific Uses.** The following road access standards
25 shall apply to specific uses in this section when they are expressly referenced in
26 the standards for specific use.

TABLE 5-654 5-653: ROAD ACCESS STANDARDS			
Average Generated Daily Vehicle Trips (VTD)	Private Access Road Standards	Public Road	
		Public Paved Road Standards (1)	Public Unpaved Road Standards (1)
1 - 20 VTD	FSM Chapter 4, Table 3, C1	16-18 Foot Pavement Section	16-18 Foot Minimum Travelway
21 - 70 VTD	FSM Chapter 4, Table 3, C2	16-18 Foot Pavement Section	16-18 Foot Minimum Travelway
71 - 250 VTD	FSM Chapter 4, Table 1, A1	18-20 Foot Pavement Section	18 Foot Minimum Travelway
251 - 600 VTD	FSM Chapter 4, Table 1, A2	18-22 Foot Pavement Section	Not Permitted

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TABLE 5-654 5-653: ROAD ACCESS STANDARDS

Average Generated Daily Vehicle Trips (VTD)	Private Access Road Standards	Public Road	
		Public Paved Road Standards (1)	Public Unpaved Road Standards (1)
More than 600 VTD	Special Exception Review required (Section 6-1300)	Special Exception Review required (Section 6-1300)	Not Permitted
(1) Characteristics of the first public road accessed by project's private access road.			

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- (b) **Pile Area:** A single stockpile of dirt pile shall not exceed an area greater than two (2) acres.
- (c) **Height:** A single stockpile of dirt shall not exceed 25 feet above original natural grade. For each additional five (5) acres in lot area, the height may increase one (1) foot and in no case shall the height exceed 50 feet above original natural grade. Additionally, no stockpile shall be visible above the existing tree line as viewed from any property line.
- (d) **Slope:** Slope shall not exceed a 3:1 ratio.

(2) Siting:

- (a) No stockpile of dirt is permitted in the Mountainside Overlay District.
- (b) To the maximum extent feasible stockpiles of dirt shall not be located in wetlands, hydric soils, or areas identified as containing endangered species or plants.
- (c) Stockpiles of dirt shall only be permitted on forested sites when there is an approved forest management plan.

Deleted: , the Limestone Conglomerate Overlay District or the River/Stream Corridor Overlay District

Deleted: that are outside of primary conservation areas

(3) Location on Site/Dimensional Standards:

- (a) **Setback from Single-Family Dwellings:** No stockpile of dirt, loading/unloading activities, general stockpile of dirt operations, or related activities shall be allowed within 500 feet of an existing residential structure.
- (b) **Other setbacks:** No stockpile of dirt shall be located within 100 feet of any lot line and/or street to include ingress-egress easements.
- (4) **Hours of Operation:** The hours of operation shall be limited to 7:00 AM to 6:00 PM.

(B) Access/Vehicular Circulation:

- (1) **Access:** Access to the lot shall be from a paved, State maintained road at least twenty (20) feet in width.
- (2) **Driveways/Internal Access Roads (driveways):** Driveways shall not be located within a required buffered setback area except as minimally necessary to access the site. Such driveways shall be all-weather roads negotiable by loaded transport vehicles.

Section 5-700 Regulations for Optional Development Types

5-701 Transition (TR) Districts Lot Standards.

(A) **Purpose.** The purpose of the Transition (TR) Districts Lot Standards is to:

- (1) Provide for development in the Transition (TR) zoned areas of the County, in ways that encourage efficient development patterns, ~~and protect primary conservation areas in ways that conform with conservation design standards.~~
- (2) Facilitate a transition in the scale of development from the suburban area to the rural area of the County.
- (3) Facilitate the protection of the 300-foot buffer proposed along the Bull Run, ~~consistent with the standards and requirements of RSCOD.~~
- (4) Facilitate the protection of the 300-foot buffer along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir, ~~consistent with the standards and requirements of RSCOD.~~

(B) **Applicability.** The procedures and standards of this section shall apply to the subdivision of two or more lots on all lands located in the TR-10, TR-3 (TR-3UBF, TR-3LBR, TR-3LF), TR-2, and TR-1 (TR-1UBF, TR-1LF) districts.

(C) **Standards.** The standards of this section shall apply to all development subject to the TR Districts Lot Standards.

(1) **Base Density.** The maximum gross density allowed in the TR districts under these standards is:

- (a) TR-10 district: 1 dwelling unit per 10 acres.
- (b) TR-3 districts: 1 dwelling unit per 3 acres.
- (c) TR-2 district: 1 dwelling unit per 20,000 sq. ft.
- (d) TR-1 districts: 1 dwelling unit per 40,000 sq. ft.

(2) **Open Space.** A minimum percentage of the site shall consist of open space, as follows:

- (a) In the TR-10 district, a minimum of 70 percent of the site shall be maintained as open space.
- (b) In the TR-3 districts:

- (i) In the TR-3LBR sub-district, a minimum of 70 percent of the site shall be maintained as open space.
- (ii) In the TR-3UBF and TR-3LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (c) In the TR-2 district, a minimum of 50 percent of the site shall be maintained as open space.
- (d) In the TR-1UBF and TR-1LF sub-districts, a minimum of 50 percent of the site shall be maintained as open space.
- (3) **Lot and Open Space Standards.** The two elements of the subdivision are (1) the lot area(s) and (2) the open space. The site layout of these elements shall occur during the review of a preliminary plat for subdivision, ~~simultaneously with the analysis and site planning required to comply with Section 6-2000 (Conservation Design).~~ Establishment of the lots and open space on the site shall comply with the following standards:
- (a) **Lot Standards.** Lots shall comply with the following standards (see Table 5-701(C)(3)(a)).

TABLE 5-701(C)(3)(a): LOT STANDARDS						
District	Lot Grouping	Min. Size Lot	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Max. Building Height
TR-10	Minimum: 5 Maximum: No maximum Lots of less than 5 acres must be grouped in accord with Section 5-701(C)(3)(a)(ii).	None	20 feet	25 feet	10 feet	35 feet
TR-3LBR	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-3LF, TR-3UBF	Minimum: 5; Maximum 25	None	12 feet	25 feet	7 feet	35 feet
TR-2	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet
TR-1LF, TR-1UBF	Minimum: 5; Maximum 25	None	10 feet	25 feet	5 feet	35 feet

- (i) **Lot Yield.** The total number of lots on a site shall not exceed the number permitted to accommodate the base density established by Section 5-701(C)(1), regardless of whether the lot is used for a residential or nonresidential use.

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(ii) **Number of Lots in a Group.** Lots that are less than 5 acres in size shall be located in a contiguous group, with adjacent and fronting lots oriented toward each other, as on a street, green or paved square. The number of grouped lots shall consist of a minimum of 5 lots and a maximum of 25 lots with the exception of TR-10, except that a contiguous group may consist of fewer than 5 lots if:

1. There will be fewer than 5 lots on the entire site that are less than 5 acres in size; or
2. It is demonstrated that a grouping of fewer than 5 lots will result in greater amounts of contiguous open space or result in less denigration of features within an environmental overlay district—primary conservation—areas than residential grouping(s) of 5 lots or more.

(iii) **Number of Groups.** A single group shall contain all the lots on a site that are less than 5 acres, where the total number of such lots is 25 or fewer, except that multiple groups may be allowed where:

1. It is demonstrated that multiple groups will result in greater amounts of contiguous open space; or result in less denigration of features within an environmental overlay district—primary conservation—areas; and
2. None of the groups contain fewer than 5 lots, unless allowed as provided in Section 5-701(C)(3)(a)(ii).

(iv) **Dimensional Standards of Lots.**

1. In the TR districts there is no maximum or minimum lot size.
2. The yard requirements for the lots in the TR districts shall comply with the standards established in Table 5-701(C)(3)(a).
3. The maximum building height shall not exceed 35 feet.

(b) ~~Open Space. The required percentage of open space on the site shall consist of, in order of priority, (1) primary conservation area lands, and (2) other lands (lands other than primary conservation areas), as follows:~~

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(i) ~~Primary Conservation Area Lands.~~ All primary conservation area lands shall be included in the open space and shall comply with the requirements of Section 6 2000 (Conservation Design), Section 4 1600 (MDOD), Section 4 1900 (LOD), Section 4 2000 (RSCOD), and Section 5 1508 (Steep Slope Standards), where applicable. One hundred percent (100%) of the primary conservation area lands protected shall be credited against the open space requirement for the subdivision.

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(ii) ~~Other Lands.~~ If all primary conservation area lands constitute less than the required percentage of open space, the balance of the open space shall consist of other lands (lands other than primary conservation areas) on the site, in accord with Section 6 2006(A).

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(iii) **Allowed Uses in Open Space.**

1. The uses allowed on primary conservation area lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4 1900 (LOD), Section 4-2000 1500 (FOD) (RSCOD) and Section 5-1508 (Steep Slope Standards) (also see Section 6 2005(A) (Conservation Design));

2. The uses allowed on the open space lands shall be limited to:

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- a. Activities and uses allowed in open space, as defined in this Ordinance;
 - b. In the TR-10 district and TR-3 districts, uses permitted in the Agriculture, Horticulture and Animal Husbandry Use Categories; and
 - c. Easements and improvements for drainage, passive open space, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.

Such uses and activities shall be subject to applicable environmental overlay district regulations and steep slope standards.

(c) **Siting of the Open Space and Building Lots.**

- (i) The location of the open space on the site shall be identified consistent with the requirements of Sections 5-701(C)(3)(b) and 6-2006(A).
- (ii) The building lots shall be located on that portion of the site that is outside the open space and within the DDA, and sited consistent with the requirements of Section 6-2006(A).
- (iii) The lots and buildings within the subdivision shall be sited so as to reduce visibility of the lot groups from public rights-of-way and from other lot groups, by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the buildings, or placing lots and buildings at the far edge of a field as seen from a public right-of-way or other lot group.
- (iv) The residential lot group(s) shall be sited so as to relate to the open space and the other lot groups on the site and on adjacent lands, by maximizing the contiguity of other open space features such as vegetation, and natural features such as stream corridors, floodplains, wetlands, steep slopes, ridges, mountainsides, and wildlife habitat.

~~(D) **Ownership and Maintenance of Conservation Areas and Open Space.**~~
~~The conservation areas in the open space shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

(E) **Homeowners' Association and Responsibilities.**

- (1) If any of the following features are present, the development shall have an incorporated Homeowners' Association ("HOA"). If any of the following areas or improvements are present within the development, the HOA shall have the right and responsibility to maintain the areas or improvements:

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- (a) Common areas within the development, if any, that are not part of the required open space;
- (b) The open space, if owned by the HOA;
- (c) Any common recreational facilities;
- (d) Private roads, if any, within or serving the development;
- (e) Any storm water management ponds or areas;
- (f) Fire protection pond(s), dry mains, or other improvements;
- (g) Such other common facilities or improvements as may be designated in the bylaws of the HOA.

(2) Prior to approval of a record plat for subdivision for the development:

- (a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.
- (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first record plat for the property; and
- (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(F) **Recognizing Protection by Right to Farm Act.** In the TR districts, record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.).

5-702 Rural Hamlet Option.

- (A) **Purpose and Intent.** The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3 and A-10 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal

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1 5-703 ~~Agricultural Rural (AR) District Cluster Option.~~

2 (A) ~~Purpose.~~ The purpose of the Agricultural Rural (AR) District Cluster
3 Option is to provide for residential single-family detached development in
4 the AR-1 and AR-2 districts that addresses conservation design standards;
5 accommodates rural economy uses and ensures the form and character of
6 residential development is consistent with the open character of the rural
7 economy uses.

8 (A) ~~General Requirements.~~ The requirements established in the following
9 sections set forth the general and specific standards for development under
10 the AR District Cluster Option.

11 (1) ~~General.~~ A landowner may exercise the residential cluster option:

12 (a) ~~In the AR-1 district: on a site consisting of a minimum of~~
13 ~~30 contiguous acres.~~

14 (b) ~~In the AR-2 district: on a site consisting of a minimum of~~
15 ~~60 contiguous acres.~~

16 For the purposes of this section, contiguous land ownership is not
17 broken by a road or a public or private right-of-way or easement.

18 (2) ~~Density/Clustering.~~ Under this AR cluster option, the residential
19 development on the site shall be clustered according to the
20 provisions of this section, and the maximum number of lots shall
21 be:
22

23 (a) ~~AR-1 district: 1 lot per 10 acres, including the Rural~~
24 ~~Economy Conservation Lands lot.~~

25 (b) ~~AR-2 district: 1 lot per 20 acres, including the Rural~~
26 ~~Economy Conservation Lands lot.~~

27 Accessory dwelling units and guest houses shall not be counted as
28 dwelling units in the density calculation.

29 (3) ~~Rural Economy Conservation Lands.~~ A minimum percentage of
30 the site shall consist of Rural Economy Conservation Lands,
31 subject to a conservation easement precluding further subdivision,
32 as follows:
33

34 (a) ~~AR-1 district: 70 percent.~~

35 (b) ~~AR-2 district: 85 percent.~~
36

37 (B) ~~Residential Cluster and Rural Economy Conservation Lands~~
38 ~~Standards.~~ The two elements of the residential cluster option are (1) the

1 residential cluster and (2) the Rural Economy Conservation Lands lot.
2 The site layout of these elements shall occur during the review of a
3 preliminary plat for subdivision, simultaneously with the analysis and site
4 planning required to be undertaken to comply with Section 6-2000
5 (Conservation Design). Development of the residential cluster and the
6 Rural Economy Conservation Lands shall comply with the following
7 standards.

8 (1) ~~Residential Clusters.~~ Clusters and lots within clusters shall
9 comply with the following standards, except as exempted by
10 Section 5-703(C)(1)(e).

11 (a) ~~Number of Lots in Cluster(s).~~ Residential cluster(s) shall
12 consist of a minimum of 5 lots and a maximum of 25 lots,
13 except that a cluster may consist of fewer than 5 lots if:

- 14 (i) There will be fewer than 5 lots on the entire site that
15 is to be developed under the cluster option;
16 (ii) In the AR-1 district, the area of the site is less than
17 50 acres; or
18 (iii) It is demonstrated that a cluster of fewer than 5 lots
19 will result in greater amounts of contiguous Rural
20 Economy Conservation Lands or result in less
21 denigration of primary conservation areas.

22 (b) ~~Number of Clusters.~~ Multiple clusters shall be required
23 where the total number of lots on a site is greater than 25. A
24 single cluster shall contain all the lots where the total
25 number of lots on a site is 25 or fewer, except that multiple
26 clusters may be allowed where:

- 27 (i) It is demonstrated that multiple clusters will result
28 in greater amounts of contiguous Rural Economy
29 Conservation Lands or result in less denigration of
30 primary conservation areas; and
31 (ii) None of the clusters contains fewer than 5 lots,
32 unless allowed as provided in Section 5-
33 703(C)(1)(a) above.

34 (c) ~~Dimensional Standards of Lots Within Cluster(s).~~

- 35 (i) The area of any individual residential cluster lot
36 shall not exceed 3 acres, except common open
37 space owned by an HOA may exceed the 3-acre
38 maximum lot size.
39 (ii) There is no minimum lot size for a residential lot in
40 the cluster(s).

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- (iii) ~~Residential structures within the cluster shall be set back a minimum of 100 feet from any lot line adjoining an agricultural, horticultural, or animal husbandry use.~~
- (iv) ~~The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.~~
- (d) **One Dwelling Unit on a Lot.** ~~The only principal use on each residential cluster lot, except the Rural Economy Conservation Lands lot, shall be one single family detached dwelling unit, and any accessory uses (including communal systems) allowed for the single family detached unit under this Ordinance.~~
- (e) **HOA Common Area.** ~~In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided within the DDA, created pursuant to Section 6-2000.~~
- (2) ~~**Rural Economy Conservation Lands Lot.** The required percentage of Rural Economy Conservation Lands on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.~~
- (a) **Allowed Uses on Rural Economy Conservation Lands.** ~~The following uses are allowed on the Rural Economy Conservation Lands:~~
- (i) ~~The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-1500 (FOD) 2000 (RSCOD) and Section 5-1508 (Steep Slope Standards).~~
- (ii) ~~The uses allowed on the other Rural Economy Conservation Lands are limited to those uses specified below which are subject to the Additional Regulations for Specific Uses in Section 5-600:~~

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1. ~~One single family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density allowed on the site under the cluster option.~~
2. ~~Permitted Agriculture, Horticulture and Animal Husbandry Uses.~~
3. ~~Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.~~
4. ~~Permitted Group Living uses (except co-housing and rooming houses).~~
5. ~~Permitted Conference and Training Center uses.~~
6. ~~Agricultural Cultural Center and Fairgrounds uses.~~
7. ~~Permitted Commercial Uses.~~
8. ~~Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.~~
9. ~~Easements and improvements for drainage.~~
10. ~~Passive open space.~~
11. ~~Communal sewer systems and septic systems.~~
12. ~~Communal water supply systems, wells, and other water supply systems.~~
13. ~~HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.~~

(3) ~~Cluster Development Relationships.~~

- (a) **~~Visual Compatibility.~~** ~~The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights of way and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below~~

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1 ridgelines or treelines that the horizon will remain visually
2 defined by the ridgeline or treeline rather than by the
3 rooftops of the cluster, or placing lots and buildings at the
4 far edge of a field or pasture as seen from a public right of
5 way or other cluster so that the view remains defined by an
6 open and rural character.

- 7 (b) **Contiguity of Rural Economy Conservation Lands.** The
8 Rural Economy Conservation Lands lot shall be designed
9 to maximize, to the extent feasible, the contiguity of such
10 lands with other Rural Economy Conservation Lands off-
11 site.

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13 (C) **Utility Requirements.**

- 14 (1) **Water.** Residential lots may be served with individual wells or by
15 communal water supply systems. Such wells and water supply
16 systems or their components may be located on or off the
17 individual lot, and may be located within the Rural Economy
18 Conservation Lands consistent with the standards of this section
19 and Section 6-2005.

- 20 (2) **Wastewater.** Residential lots may be served by communal sewer
21 systems or by septic systems. Such systems and their components
22 may be located on or off the individual lot, and may be located
23 within the Rural Economy Conservation Lands consistent with the
24 standards of this section and Section 6-2005.

- 25 (D) **Fire Protection.** The residential cluster shall satisfy the fire protection
26 standards set forth in the Facilities Standards Manual, or if no such
27 standards are in effect, shall have an all-weather access road for a pump
28 truck to an adequate pond with a water withdrawal main or to a water tank
29 of sufficient capacity for fire protection as determined by the Director of
30 Building and Development.

- 31 (E) **Roads.** The residential cluster lots may be served by a private access
32 easement with gravel road surfaces that comply with standards contained
33 in the Facilities Standards Manual.

- 34 (F) **Ownership and Maintenance of Rural Economy Conservation Lands.**
35 The primary conservation areas and other lands on the Rural Economy
36 Conservation Lands shall be owned and maintained in accordance with the
37 provisions of Section 6-2008.

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1 (G) ~~Homeowners' Association and Responsibilities.~~

2 (1) ~~The cluster development shall have an incorporated Homeowners'~~
3 ~~Association ("HOA") if any of the following areas or~~
4 ~~improvements are present within the cluster development. The~~
5 ~~HOA shall have the right and responsibility to maintain the areas~~
6 ~~or improvements.~~

- 7 (a) ~~Common areas within the cluster, if any, that are not part of~~
8 ~~the required Rural Economy Conservation Lands;~~
9 (b) ~~The Rural Economy Conservation Lands, if owned by the~~
10 ~~HOA;~~
11 (c) ~~Private roads, if any, within or serving the cluster~~
12 ~~development;~~
13 (d) ~~Any stormwater management ponds or areas;~~
14 (e) ~~Fire protection pond(s), dry mains, or other improvements;~~
15 (f) ~~Such other common facilities or improvements as may be~~
16 ~~designated in the bylaws of the HOA.~~

17
18 (2) ~~Prior to approval of a record plat for subdivision for the cluster:~~

- 19 (a) ~~The landowner shall submit documents for the creation of~~
20 ~~the HOA to the County for review and approval, including~~
21 ~~its bylaws, and all documents governing ownership,~~
22 ~~maintenance, and use restrictions for common areas,~~
23 ~~including a legal description of such areas and a description~~
24 ~~of restrictions placed upon the use and enjoyment of the~~
25 ~~land.~~
26 (b) ~~The landowner shall agree that the association shall be~~
27 ~~established by the landowner or applicant and shall be~~
28 ~~operating (with financial subsidization by the owner or~~
29 ~~applicant, if necessary) before approval of first record plat~~
30 ~~for the property; and~~
31 (c) ~~Membership in the association shall be automatic~~
32 ~~(mandatory) for all purchasers of dwelling units therein and~~
33 ~~their successors in title.~~

34
35 (H) ~~Recognizing Protection by Right to Farm Act. Record plats and deeds~~
36 ~~authorized pursuant to this section shall include a statement that~~
37 ~~agricultural operations enjoy the protection of the Right to Farm Act (Va.~~
38 ~~Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation~~
39 ~~Lands.~~

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Ground Mounted			Ground Mounted Background Structure			Type Permitted (See Note 2)				Max. Height (See Note 3)		Additional Requirements
	Total Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Area of Background Structure	Max. Height of Background Structure	Backlight	Min. Setback From R.O.W.	Freestanding Building Mounted	Roofline	Drive-through menu does not count toward sign area.
(3) COMMERCIAL/OFFICE SIGNS (Continued)													
(cc) Restaurant - (Freestanding Building with over 4000 SF floor area)	120 SF	3	20 SF freestanding 60 SF bldg mounted	1.5	30 SF	1.5	45 SF	8 FT			Freestanding Building Mounted	15 FT	Drive-through menu does not count toward sign area.
(dd) Restaurant - (In Line Structure)	2 SF/ linear foot of building frontage	1/facade, no more than 3 signs	60 SF						Backlight		Building Mounted	Roofline	Drive-through menu does not count toward sign area.
(ee) Restaurant Drive- Through Menu	30 SF	2	20 SF	1.5	30 SF						Freestanding Building Mounted	5 FT	Must be screened from all roads.
(ff) Business in A-3, A-10, AR, BR, JLMA, TR and CR Districts	10 SF	2/lot	10 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(gg) Business in R-C District	40 SF	2	20 SF						None	5 FT	Freestanding Building Mounted	8 FT	
(hh) Business in R Districts	4 SF for lots ≤ 10 acres; 8 SF for lots > 10 acres	1 for lots ≤ 10 acres; 2 for lots > 10 acres	4 SF						None	5 FT	Freestanding Building Mounted	8 FT	

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SECTION 5-1204(D) - SIGN REQUIREMENTS MATRIX

LAND USE/ SIGN CATEGORY (or similar) (See Note 6)	Ground Mounted			Ground Mounted Structure			Additional Requirements				
	Total Aggregate Sign Area	Max. Number of Signs	Max. Area of Any One Sign	Bonus Multiplier	Max. Area of Any One Sign	Bonus Multiplier (See Note 1)	Max. Height of Background Structure	Max. Height of Background Structure	Max. Height (See Note 3)	Type Permitted	Permit limited to one (1) month from date of issuance, for no more than 3 consecutive months.
(5) TEMPORARY SIGNS (a) Temporary Signs - On-	4 SF	1	4 SF						5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT
(b) Temporary Signs - Off-		Reasonable number as determined by the Zoning Administrator.	4 SF						5 FT	Freestanding Balloons Banners Pennants Inflated Devices	4 FT
(c) Temporary Construction Signs	20 SF Commercial 10 SF Residential	1/contractor per job site 1/contractor per job site	20 SF						10 FT	Ground Mounted	8 FT
											Residential signs only in A-3, A-10, A-25, AR, RR & CR Districts. Contractor to remove sign upon completion of construction.

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9/2/03

Division D: Landscaping, Buffering and Tree Preservation

Section 5-1300

Tree Planting and Replacement.

5-1301

Purpose. The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.2-961 of the Code of Virginia.

5-1302

General Standards.

- (A) All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- (B) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.
- (C) The minimum caliper of all deciduous trees planted shall be one (1) inch, and the minimum height of all evergreen trees shall be six (6) feet.

5-1303

Canopy Requirements.

- (A) **Site Planning.** A Final Site Plan, or Construction Plans and Profiles for single family attached units in those districts where applicable, required under Section 6-701, shall include the planting and replacement of trees on site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be provided as follows:
 - (1) Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the GB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.

****DRAFT****

- (2) Ten (10) percent tree canopy for sites zoned PD-H and R-24 with densities of twenty (20) or more units per acre.
- (3) Fifteen (15) percent tree canopy for sites zoned PD-H and R-16 for multi-family and single family attached units with densities of eleven (11) to nineteen (19) units per acre.
- (4) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.

(B) **For development requiring a plan of subdivision, but not a site plan, property not zoned A-3, A-10, AR-1, AR-2, RR-1, RR-2, i.e. single family and duplex dwellings.** When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned A-3, A-10, AR-1, AR-2, RR-1, RR-2, a landscape plan shall be included at Record Plat or construction drawings, whichever shall occur first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of ten (10) years, minimum tree canopies will be provided as follows:

- (1) If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
- (2) If the site has a tree canopy coverage of less than twenty (20%) prior to recordation of the subdivision, the plan shall provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 10 year maturity.
- (3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract. Such trees shall be counted toward the

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minimum tree canopy requirements in (1) and (2) above.

- (4) Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more. Such trees shall be counted toward the minimum tree canopy requirements in (1), (2) and (3) above.

(C) **Exclusions.** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:

- (1) Properties reserved or dedicated for future street construction or other public improvements.
- (2) Ponds and unwooded wetlands.
- (3) Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.
- ~~[(4) —~~ Portions of a site which contain existing structures that are not the subject of a pending application.

(D) **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

5-1304

Variations. Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Zoning Administrator upon application by the owner.

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DRAFT

5-1305

Enforcement. Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

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Section 5-1400

Buffering and Screening.

5-1401

Purpose. The purpose and intent of this Section is to facilitate the creation of a convenient, attractive and harmonious county; to conserve natural resources including adequate air and water; to preserve the character of an area by preventing or mitigating the harmful effects of one use on another use; and to preserve and promote the health, safety and general welfare to the public. More specifically, this Section is intended to mitigate the effects of uses on adjacent uses by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Also, this Section is intended to require the landscaping of parking lots in order to reduce the harmful effects of heat and noise and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to enhance the natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; and to provide shade.

5-1402

Applicability.

- (A) The provisions of this Section shall apply to all development where site plans and/or subdivisions are filed in accordance with the provisions of Section 6-700 of this Ordinance or the Land Subdivision and Development Ordinance.
- (B) The provisions of this Section are intended to complement the regulations of Section 5-1300 of this Ordinance. Trees planted to fulfill the Canopy requirements of Section 5-1300 may also fulfill the Buffering and Screening requirements of this Section. However, where any provision of this Section imposes restrictions or standards different from those of Section 5-1300 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

5-1403

Standards. The following standards shall apply to the installation and maintenance of all landscaping and screening required by the provisions of this Section.

- (A) The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of Facilities Standards Manual, and the following requirements:

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- (1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.
 - (2) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch dba, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.
- (B) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented by new vegetation, if needed, so as to provide buffering and screening in accordance with the purpose and intent of this Section, may and should be used as required planting.
 - (C) In addition to the standards set forth in this Section, the Board of Supervisors or the Board of Zoning Appeals may require more stringent requirements as part of an approval action of a special exception, variance, or as part of proffered conditions.
 - (D) All landscaping shall permit site distances consistent with all current code requirements of Loudoun County and VDOT.

5-1404

Landscaping Plan.

- (A) Except as permitted by the provisions of Section 5-1305 below, a landscaping plan, including a parking lot landscape and screening plan, shall be submitted as part of every final site plan required by the provisions of Section 6-701.
- (B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.
- (C) The landscaping measures, as required by this Section shall be shown on such initial plan and shall be completed or bonded in accord with current County policy according to specifications prior to approval of any Certificate of Occupancy.

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5-1405

Buffer Yards and Screening, General Provisions.

- (A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1407 and 5-1408 below.
- (B) Buffer yards and screening shall be provided within the zoning district and on the lot whose use is indicated in the left column of the matrix where it is contiguous or across the street from land used or zoned for uses indicated across the top of the matrix.
- (C) Where the structure or lot or development is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may reduce and/or modify the requirements of the matrix upon a finding that the need for the more stringent requirements has been partially mitigated or eliminated by the arrangement of uses.
- (D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.
- (E) In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Zoning Administrator, using the matrix as a guide, shall determine to what extent buffering and screening shall be provided.
- (F) In addition to the standards set forth in herein for a particular use, all uses allowed by special exception, or variance in a given district, shall be required to provide buffer yards as determined by the BZA or Board of Supervisors, as the case may be, using the matrix as a guide.

5-1406

Determination of Buffer Yard Requirements. To determine the type of buffer yard required between two (2) adjacent parcels or between a parcel and a use across the street, refer to the buffer yard and screening matrix, and identify the buffer yard required pursuant to one of the following procedures:

- (A) Proposed development adjacent to an improved property that is a pre-existing use which existed prior to the effective date of this Ordinance.

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- (1) If the proposed use is in the same land use category or is a more intensive than the pre-existing use, the proposed use must provide the buffer yard type as required by the Buffer Yard and Screening Matrix.
 - (2) If the proposed use is less intensive than the pre-existing use, the proposed use must provide the buffer yard type that would have been provided by the existing more intensive use as if it were subject to the requirements herein.
 - (3) The Zoning Administrator may waive reduce and/or modify the requirement if it presents a substantial hardship or is considered unnecessary as identified in Section 5-1409.
- (B) **Proposed development adjacent to a use developed subsequent to the effective date of this Ordinance.** The proposed use must install plant units in order to bring the total buffer yard required between the two uses into conformance with the Buffer Yard and Screening Matrix.
- (C) **Proposed Development Adjacent to a Vacant Property.** To determine the buffer yard type for a proposed development which will be constructed adjacent to vacant land, the Zoning Administrator must first make a determination on the probable future use of the adjacent vacant land, using the Comprehensive Plan, Zoning Ordinance and Zoning District Map.
- (1) If the proposed use is more intensive than the probable future use of adjacent vacant land, as determined by the Zoning Administrator, then the proposed use must provide a buffer as required by the Buffer Yard and Screening Matrix.
 - (2) If the subsequent use of the adjacent vacant land is more intensive than the probable use determined by the Zoning Administrator, and the subsequent use is required to provide a buffer prescribed in the Buffer Yard and Screening Matrix, the buffer yard installed by the first use may be taken into consideration by the Zoning Administrator in considering a reduction of required buffer.
 - (3) If the subsequent use of the adjacent vacant land is less intensive than the probable use determined by the Zoning Administrator, the subsequent use must install the difference between the plant units installed by the pre-existing adjacent use and the number of plant units required by the Buffer Yard and Screening Matrix.

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- (4) If the proposed use is less intensive than the probable future use of the vacant land, as determined by the Zoning Administrator, no buffer yard shall be required of the proposed use.

(D) **Contractual Reduction of Buffer Yard Abutting Vacant Land.**
When a land use is proposed adjacent to vacant land, the owners of both parcels may enter into a contractual relationship to provide for a buffer yard equivalent to the buffer yard which shall ultimately be required. Such a contract shall include:

- (1) A statement by the owner of the vacant land of an intent to develop at no greater than a specified land use category consistent with reduced buffer yards.
- (2) An agreement that the owner of the vacant land assumes all responsibility for additional buffer yards required by the development of his parcel with a more intense use than had been agreed upon.
- (3) The contract shall be in the form of a covenant or deed restriction, recorded in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia, which shall run with the land.

(E) **Special Situations.**

- (1) When the adjacent land is used for a wayside stand or other temporary use, the buffer yard type shall be determined as if the adjacent property were vacant as provided in Section 5-1406(C).
- (2) If any property adjoins any existing or planned arterial road, except in the A-3, A-10, AR-1 or AR-2 district, the required buffer yard shall be in accordance with Buffer Yard Type 3, however, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. This requirement may be waived modified, and/or reduced, or the location of the required berm may be adjusted by the Zoning Administrator, where necessary to preserve existing mature trees. No buffer yard shall be required for the A-3 and A-10 districts where such property adjoins any existing or planned arterial road.

- (3) If any adjoining property is located within a zoned municipality, the Zoning Administrator shall investigate the applicable municipal zoning district regulations and shall determine which district established by this Ordinance is most equivalent. Requirements for buffer yards shall then be the same as if the adjoining property were zoned in the equivalent County zoning district.

5-1407

Buffer Yard and Screening Requirements.

- (A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.
 - (1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.
 - (2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 5-1413 "Parking Lot Landscaping and Screening Requirements" shall prevail.
- (B) **Screening Requirements in Buffer Yards.**
 - (1) Buffer yard requirements are stated in Section 5-1414(B).
 - (2) Those plant materials identified in Section 5-1414(C) or their equivalents shall satisfy the requirements of this Section.
 - (3) Whenever a wall, fence, and/or berm is required within a buffer yard, they shall be provided in addition to the plant units required.

5-1408

Use of Buffer Yards. A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) minimal plant materials are eliminated, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Vehicular entrances may cross a buffer yard. Signs, pursuant to Section 5-1200, may be located in the buffer yards.

5-1409

Buffer Yard Waivers and Modifications. Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

- (A) Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/or modified by the Zoning Administrator, upon showing that the building and/or the yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.
- (B) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.
- (C) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for single family attached dwelling units where a six (6) foot permanent fence has been provided to enclose a privacy yard (for rear yards and side yards) and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.
- (D) The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
- (E) **Buffer Yard Exceptions.** When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning

Administrator may waive, reduce, and/or modify the buffer requirements provided the intent of these regulations are preserved.

- (F) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements for side and rear yards where lots zoned MR-HI, GB, PD-IP, PD-GI, MR-HI or CLI abut, upon finding that such waiver, reduction and/or modification is designed to complement proposed development of existing or proposed uses. In any case, a screen wall of a minimum six (6) foot in height or buffer yard shall be constructed where such side or rear yard is visible from the public right-of-way.
- (G) The Zoning Administrator may waive, reduce and/or modify buffer requirements for a telecommunications monopole which is co-located on a facility which is owned or controlled by a public use or fire and/or rescue company, or in areas planned or zoned for employment and industrial uses where such use is permitted by right, provided the site is architecturally designed and coordinated with landscape techniques to minimize adverse impacts to adjacent properties.
- (H) The Zoning Administrator, upon recommendation by the Loudoun County Sheriff's office, may waive, reduce or modify the screening requirements for any school use, upon finding that the screening requirements obstruct visibility and create a security concern.
- (I) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to circumnavigate the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

5-1410

Maintenance.

- (A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
- (B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5-1411

Bond/Cash Deposit Requirements. In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

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5-1412

Appeals. Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 6-1700.

5-1413

Parking Lot Landscaping and Screening Requirements.

- (A) General. Parking lot landscape and screening plan shall comply with the general standards in Section 5-1403 and 5-1404.
- (1) Existing vegetation which is suitable for use in compliance with the requirements of this Section when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Section, may and should be used as required planting. Additionally, vegetation which fulfills the requirements set forth herein for exterior parking lot screening may also be counted toward fulfilling the requirements for buffer yards set forth in other sections of these regulations.
 - (2) When non-residential parking lots, travelways, alleys, loading spaces and like uses adjoin land zoned or planned for residential use, there shall be an opaque barrier constructed to provide a separation between the two uses. This can be achieved by a solid type fence no less than six (6) feet in height, or with densely planted shrubs and berms to provide a visual barrier. Berms shall not exceed a slope of 2:1.
- (B) **Interior Parking Lot Landscaping.**
- (1) Any parking lot, excepting single bay parking lots of twenty (20) spaces or less, shall be provided with landscaped open space along the perimeter of the parking area or areas, in the minimum rate of one (1) canopy tree per ten (10) spaces which shall be so located that no parking space is more than eighty (80) feet from a portion of the landscaped open space or parking island more than eighty (80) feet from a canopy tree. Landscaped areas between parking areas and buildings shall not be considered as interior landscaping.
 - (2) The primary landscaping materials used in parking lots shall be canopy trees. Where possible, grouping of such trees is encouraged. Shrubs and other live planting materials may be used to complement the tree landscaping, and shall count towards the required landscaping.

- (3) The landscaping areas shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of six (6) feet measured from back of curb. There shall be a minimum six (6)

foot wide (back of curb to back of curb) curbed landscape island at the end of every row of parking - equal in length to the adjoining parking space.

- (4) There shall be a minimum of one (1) canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.
- (5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein; in any case a landscaped island shall be protected with a six (6) inch minimum curb.
- (6) Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with Section 5-1406 and 5-1407.

(C) **Peripheral Parking Lot Landscaping.** If any parking lot contains ten (10) or more spaces peripheral parking lot landscaping shall be required as follows:

- (1) **When the property line abuts land other than street right-of-way.**
 - (a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
 - (b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 2:1.
 - (c) All service areas shall be screened from view through the use of evergreen plant materials and screen walls, compatible with the building design. Service area screen walls, solid fences or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum height of six (6) feet and

totally screen at least 75% of any one wall surface (exclusive of gates).

(d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided, but such plantings shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.

(e) Peripheral plantings shall include six (6) shrubs per forty (40) linear feet of abutting land, and one of, or a combination of the following, which need not necessarily be installed on center:

(i) One understory tree per fifteen (15) linear feet;

(ii) One canopy tree per thirty-five (35) linear feet.

(2) **Where the property line abuts the street right-of-way.**

(a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line.

(b) Parking and vehicular traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming shall not have a slope steeper than 2:1.

(c) All service and loading areas shall be screened from view through the use of evergreen plant materials and six (6) foot solid fences or screen walls compatible with the building design. Service and loading area screen walls or fences shall be softened with climbing vines, shrubs, or other plant materials. Plantings shall be a minimum mature height of six (6) feet at time of installation and totally screen at least seventy five percent (75%) of any one wall surface (exclusive of gates).

(d) All utility equipment (i.e. meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided,

but such planting shall be planned and installed so as not to hinder the installation or maintenance of such utility equipment.

- (e) At least one (1) tree for each twenty-five (25) linear feet of land abutting any right-of-way shall be planted in the landscaping strip; however, this requirement shall not be construed as requiring the planting of trees on twenty-five (25) foot centers.
- (f) Where peripheral landscaping required by this Section conflicts with street planting regulations of the Virginia Department of Transportation, the more restrictive standards shall apply.

(D) **Requirements for Parking Lots in Residential Districts.** Where parking lots for more than ten (10) cars are permitted or required in residential districts, the following provisions shall be complied with:

- (1) The lot may be used only for parking and not for any type of commercial loading, sales, dead storage, repair work, dismantling or servicing.
- (2) A ten (10) foot wide landscaped open space area adjoining any street line or any lot zoned or planned for residential uses shall be provided, guarded with wheel bumpers or curb and gutter and planted in grass and/or shrubs.

SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX

ADJACENT LAND USE GROUPS

PROPOSED LAND USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 1	N/A												
Dwelling, Single Family Detached													
Group 2	1	1	1	2	2	3	3	4	4	4	4	2	
Dwelling, Single Family Attached													
Group 3	1	1	1	2	2	3	3	4	4	4	4	2	
Dwelling, Multi-Family													
Congregate Housing Facility													
Continuing Care Facility													
Orphanage or other similar institutions													
Group 4	2	2	2	2	2	3	3	4	4	4	4	2	
Day Care Center													
Church, Chapel													
Nursery School													
Elementary School													

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SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX

ADJACENT LAND USE GROUPS

PROPOSED LAND USE GROUPS	1	2	2	2	2	2	3	4	5	6	7	8	9	10	11	12	13
Group 5	2	2	2	2	2	2	2	2	2	3	3	4	4	4	4	4	N/A
Middle and High School Community & Recreation Center, and Library Auditorium, Performing Arts Center and Assembly Hall, and Theater (indoor) Municipal and Governmental Building and Structure Fire, Police, and Rescue Station Medical Care Facility Hospital																	
Group 6	2	2	2	2	2	2	2	2	N/A	N/A	N/A	N/A	3	4	4	4	N/A
Financial Institution Office Business Service Establishment Retail Sales Establishment Health & Fitness Center Funeral Home, Mortuary, Crematory Personal Service Establishment																	
Group 7	3	3	3	3	3	3	3	3	N/A	N/A	N/A	N/A	3	4	4	4	N/A
Restaurant Hotel and Motel																	

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SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS													
	1	2	3	3	4	5	6	7	8	9	10	11	12	13
Group 8	3	3	3	3	2	N/A	N/A	N/A	N/A	N/A	4	4	4	N/A
Drive-in Bank Facility														
Fast Food Restaurant														
Drive Through Restaurant														
Auto Service Station														
Car Wash														
Mobile Home Sales and Service														
Motor Vehicle Sales and Service														
Parking Lot/Valet Service														
Group 9	4	4	4	4	4	4	4	N/A	N/A	N/A	4	4	4	N/A
Utility Transmission Facility														
Public Utility Service Center, Storage Yard														
Telecommunication Facility														
Radio & Television Broadcasting Station, including Recording Studio														
Municipal or Governmental Storage Yards & Related Facility														
Water Treatment and Distribution Facility														
Kennel, outdoor														

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SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A

ADJACENT LAND USE GROUPS

PROPOSED LAND USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 10													
Bus, Rail, and Truck Terminal	4	4	4	4	4	4	4	4	4	4	4	4	
Long Term Vehicle Storage													
Warehousing & Storage Facility													
Newspaper Offices and Distribution Service													
Lumber & Building Material Yard and Storage Facility													
Wholesale Trade Office and Storage Facility													
Heavy Equipment Sale, Rental, and Service													
Sand, Gravel, Coal & Earth Sales and Storage Facility													
Boat Sales, Storage and Service													
Recycling Center													
Vehicle Wholesale Auction	4	4	4	4	4	4	4	4	4	4	4	4	4

Group 11

Wholesale Printing
Laundry, Cleaning, and Dyeing Plant
Facilities for Manufacturing, Processing, Assembly, Packaging, Bottling, and Canning

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SECTION 5-1414(A) - BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A

ADJACENT LAND USE GROUPS

PROPOSED LAND USE GROUPS 1 2 3 4 5 6 7 8 9 10 11 12 13

Group 12

Asphalt or Concrete Mixing Plant
General Construction Company, including
Hauling, Road Paving, Roofing, and Sewer
Metal Fabrication Shop
Metal Salvage and Open Storage Yard
and Operation
Agriculture Processing Facility
Outdoor Movie Theater
Wood Processing Facility or Sawmill
Forging Plant
Rifle and Pistol Range, outdoor
Sewage Treatment Facility
Sanitary Landfill
Rendering or Tanning Plants
Petroleum or Chemical Refining
or Production
Ship Yards and Boat Manufacture
Junk Yard
Fuel Sales

Group 13

N/A N/A

Farming, including livestock and
horticultural activity
Fur Bearing Animal Raising
Stable and Equestrian Center

SECTION 5-1414 B(1)
BUFFER YARD TYPE 1

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

FRONT YARD BUFFER WIDTH

10' Minimum

2 Canopy Tree(s)
0 Understory Trees
0 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

10' Minimum

1 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

5' minimum

0 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

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SECTION 5-1414 B(2)
BUFFER YARD TYPE 2

FRONT YARD BUFFER WIDTH

15' Minimum

REAR YARD BUFFER WIDTH

20' minimum

SIDE YARD BUFFER WIDTH

15' minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
2 Understory Trees
10 Shrubs
0 Evergreen Trees

2 Canopy Tree(s)
6 Understory Trees
10 Shrubs (75% of which must be evergreens)
0 Evergreen Trees

2 Canopy Tree(s)
3 Understory Trees
8 Shrubs (75% of which must be evergreens)
0 Evergreen Trees

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SECTION 5-1414 B(3)
BUFFER YARD TYPE 3

FRONT YARD BUFFER WIDTH

20' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
3 Understory Trees
24 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

25' minimum

4 Canopy Tree(s)
7 Understory Trees
30 Shrubs (75% of which must be evergreens)
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

20' minimum

2 Canopy Tree(s)
5 Understory Trees
20 Shrubs
0 Evergreen Trees

STRUCTURE REQUIRED IN REAR
YARD

A six foot high stockade
fence, providing a minimum opacity of 95%, or
a six foot high masonry wall.

BERM REQUIRED ADJACENT TO
AN ARTERIAL ROAD

An earthen berm with a minimum
height of four feet with a slope not to exceed
3:1 planted with turf or
ground cover material.

SECTION 5-1414 B(4)
BUFFER YARD TYPE 4

FRONT YARD BUFFER WIDTH

20' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

4 Canopy Tree(s)
3 Understory Trees
20 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

30' minimum

4 Canopy Tree(s)
7 Understory Trees
15 Shrubs
10 Evergreen Trees

SIDE YARD BUFFER WIDTH

20' minimum

2 Canopy Tree(s)
3 Understory Trees
25 Shrubs
6 Evergreen Trees

STRUCTURE REQUIRED IN REAR
AND SIDE YARD

* A six foot high masonry wall
(poured concrete, cement block, brick, etc.)
providing a minimum opacity of 95%, or a
stockade fence.

- * Note structures are required only where a use abuts a use of a lower intensity as defined on the Buffer Yard and Screening Matrix. Structures are not required between uses of equal intensity.

SECTION 5-1414(C)(1)

CANOPY TREE:

A deciduous tree, usually single trunked, with a definitely formed crown of foliage, which attains a mature height of at least 30 feet. Preferred species include, but are not limited to:

Common Name

American Sycamore
Bradford Pear
Crimson King Maple
English Oak
Ginkgo (Male)
Japanese Pagoda
Japanese Zelkova
Japonica Regent
Littleleaf Linden
London Plane
Norway Maple
Pin Oak
Red Oak
Red Maple
Silver Linden
Sugar Maple
Sweet Gum
Thornless Honey Locust
Willow Oak
Yellowwood

Botanical Name

Platanus occidentalis
Pyrus calleryana bradford
Acer plantanoides Crimsom King
Quercus robur
Ginkgo bilboa
Sophora japonica
Zelkova serrata
Sophora japonica regent
Tilia cordata
Plantanus acerifolia
Acer platanoides
Quercus palustris
Quercus borealis
Acer rubrum
Tilia tomentosa
Acer saccharum
Liquidambar styraciflua
Gleditsia triacanthos inermis
Quercus phellos
Cladrastis lutea

SECTION 5-1414(C)(2)

EVERGREEN TREES:

A non-deciduous tree used for the purposes of screening, weather barrier, or accent planting. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
American Holly	Llex opaca
Austrian Pine	Pinus nigra
Dark American Arborvitae	Thuja occidentalis nigra
Eastern Red Cedar	Juniperus virginiana
Norway Spruce	Picea abies
White Pine	Pinus strobus

SECTION 5-1414(C)(3)

UNDERSTORY TREE:

A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees. Preferred species include, but are not limited to:

Common Name

American Plum
Amur Maple
Dogwood
Downy Serviceberry
Flowering Cherry
Flowering Crabapple
Golden Raintree
Golden Chain
Purple Leaf Plum
Red Bud
Shadblow
Washington Hawthorne

Botanical Name

Prunus americana
Acer griseum
Cornus florida
Amelanchier arborea
Prunus (various species)
Malus (various species)
Koelreuteria
Laburnum Vossi
Prunus cerasifera bliricana
Cercus canadensis
Amelanchier canadensis
Crataegus plaenopyrum

SECTION 5-1414(C)(4)

SHRUB:

An evergreen multi-trunked woody plant that usually attains a mature height of no greater than 10 feet. Preferred species include, but are not limited to:

Common Name

Botanical Name

Azalea

various species

Cotoneaster

various species

Chinese Holly

Llex cornuta

English Yew

Taxus baccata

Euonymus

various species

Japanese Holly

Llex crenata

Japanese Yew

Taxus cuspidata

Rhododendron

various species

Viburnum

various species

Winged Euonymus

various species

****DRAFT****

DIVISION E: Performance Standards

Section 5-1500

5-1504

Performance Standards.

Light And Glare Standards.

- (A) **General Requirements.** All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the A-3, A-10, AR-1, AR-2, RR-1, RR-2, and CR districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel.
- (B) **Method of Measurement.** Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Deleted: Section 5-1500
Revision Date: June 17, 1998
3 Loudoun County
Zoning Ordinance

9-2-05-LightGlare5-1500

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